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EXAMINER	
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ART UNIT	PAPER NUMBER
3688	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/978,170	ROSENBERG ET AL.	
	Examiner	Art Unit	
	BENNETT SIGMOND	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-11,13-15,17,18 and 22-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-11,13-15,17,18 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/06/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1, 2, 5 - 11, 13 - 15, 17, 18, and 22 - 31 are currently pending in the application and have been examined. Claims 3, 4, 12, 16, and 19 - 21 have been cancelled. Claim 31 was added by amendment filed December 6, 2010.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on December 6, 2010 was filed after the mailing date of the first action on the merits following a Request for Continued Examination (RCE). However, the RCE was submitted before the mailing of a final action or other action that closes prosecution and was accompanied by the fee required pursuant to 37 CFR § 1.17(p). Therefore, the submission is in compliance with the provisions of 37 CFR § 1.97(c). Accordingly, the IDS is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 2, 5 - 11, 13 - 15, 17 - 18, 22, 24, 26, 27 and 29 - 31** are rejected pursuant to 35 USC § 103(a) as being unpatentable over U.S. Pub. No. 2003/0037068 A1 to Thomas et. al. published February 20, 2003 in view of U.S. Pat. No. 7,017,173 B1 to Armstrong dated March 21, 2006 (hereinafter, "Armstrong"), and further in view of U.S. Pat. No. 5,543,743 to Cooper dated August 6, 1996. Note that Thomas claims domestic priority to provisional application no. 60/193,894 filed on March 31, 2000. As used herein, a reference to "Thomas" shall include the claim of priority to the foregoing provisional application, and a reference to "Thomas Prov" in a citation shall refer to that portion of the specification of the foregoing provisional application where the subject matter being discussed is disclosed.

5. Referring to independent **claim 1**, Thomas discloses **a method of displaying an ad on a video replay system** (see Thomas at least p. 1 [0011], see Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19), **the method comprising obtaining a first ad;** (see Thomas at least p.4 [0040]–[0044], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19) **displaying on a display of the video replay system, user selected program content stored at a storage medium of the video replay system;** (see Thomas at least p.3 [0037], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19) **while the user selected program content is being displayed on the display of the video replay system, entering a pause mode in response to a user action** (see Thomas at least p.3 [0037], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19), and **displaying on the display of the video replay system the first ad instead of the user selected**

program content (see Thomas at least p.4 [0040]–[0044], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19).

6. Although Thomas discloses **entering a pause mode by hitting a "pause" button** (see Thomas, at least p.3 [0037]), the Thomas-Prov. discloses entering a pause mode (see pp. 1-5) but does not expressly disclose **hitting a pause button** as the vehicle for doing so.

7. Further, neither Thomas nor the Thomas Prov. expressly discloses **upon entering the pause mode, the video replay system starting a timer and subsequently using the timer to determine whether a time delay greater than zero seconds has elapsed;** or **after starting the timer but prior to the video replay system determining that the time delay has elapsed, continuing to display the user selected program content on the display of the video replay system, wherein the user selected program content displayed during the time delay is paused**; or **after the video replay system determines that the time delay has elapsed, displaying on the display of the video replay system, the first ad instead of the user selected program content.** Thomas does, however, disclose continuing to display the user-selected content after entering pause mode (see Thomas Prov., at least p.2, L18-22, Thomas, at least p.5 [0052]).

8. Armstrong discloses a method and apparatus for inserting advertisements and/or other information into an audio-video presentation in response to a user's pressing a pause or stop button (see Armstrong at least C2, L11-23). Armstrong also discloses a delay following the user's pressing the pause or stop button, during which time the

subscriber equipment displays selected user program content as still imagery (see Armstrong, at least C3, L35-41). Armstrong further discloses that during the foregoing delay, while the user-selected content is showing, the user may select advertising for viewing and then view same (see Armstrong at least C5, L62 – C6, L14, C12, L5-26).

9. However, neither Thomas nor Armstrong expressly discloses that **upon entering pause mode, the video replay system starts a timer, subsequently uses the timer to determine whether a delay greater than zero seconds has elapsed, and displays the first ad only after determining that the delay greater than zero seconds has elapsed**.

10. Cooper discloses a method and system for delaying the display of a video output (see Cooper, at least C1, L64 - C2, L15). The disclosure of Cooper provides that a continuous analog or digital signal includes a reference signal that identifies an event (see Cooper, at least C3, L10-20, Fig. 2) that triggers a timer (see Cooper, at least C3, L20-65, Fig. 2), which timer counts down a period greater than zero seconds after which, a video output such as a color burst is displayed (see Cooper, at least C3, L40 - C4, L61, Fig. 2).

11. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of displaying an ad on a video replay system disclosed in Thomas with the use of a pause key to pause user selected content, continued display of user-selected content during a delay following use of the pause key and display of a first ad following the delay as disclosed in Armstrong, and use of a digital timer to set a delay period prior to displaying video content as disclosed in

Cooper. The predictable result of the combination would have been the ability to set the delay in a manner that would maximize views of the pause ads. One having ordinary skill in the art at the time of the invention would have had a reasonable probability of success in the combination.

12. **Claim 2** depends from claim 1, adding the limitation that the method **allows a user to set the time delay**. Cooper discloses that the length of the delay is programmable (see Cooper, at least C2, L65 - C3, L7) and adjustable (see Cooper, at least C5, L48 - 65). It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1, user adjustment of the time delay as disclosed in Cooper. The predictable result of the combination would have been to enable the user to adjust the delay to suit his/her viewing habits. One having ordinary skill in the art at the time of the invention would have had a reasonable expectation of success in the combination.

13. **Claim 5** depends from claim 1, adding the limitation that the **first ad is a commercial ad**. Thomas discloses the first ad as being for a product (Thomas Prov. P. 4, L12-18) such as Calloway golf clubs (Thomas at p.4 [0043]).

14. Claims **6, 7, 8, 9, 10 and 11** each depends from claim 1. Each adds a limitation pertaining to the nature of the first ad referenced in claim 1. **Claim 6** specifies that **the first ad is a user-selected picture**. Armstrong discloses that the user may select the first ad and that the ad “simply comprises an information bearing file" which may include still or moving imagery (see Armstrong, at least C3, L4-18, C5, L62 – C6, L14, C12, L5-

26). **Claim 7** specifies that **the first ad is a user-selected still photograph**. Armstrong discloses that the first ad may be still or moving imagery (see Armstrong, at least C3, L4-17) which the user selects (see Armstrong, at least C5, L62 – C6, L14, C12, L5-26). **Claim 8** specifies that **the first ad is a user-selected video clip.** Armstrong also discloses that the first ad may be a video clip (see Armstrong, at least C8, L3-20) that the user selects (see Armstrong, at least C5, L62 – C6, L14, C12, L5-26). **Claim 9** specifies that **the first ad is a still commercial ad**. The disclosure of Armstrong cited in reference to claim 7 also discloses this limitation. **Claim 10** specifies that **the first ad is a commercial ad containing a video clip**. Armstrong also discloses that the secondary content, including the ad, may be a video clip (see Armstrong at least C3, L4-17). Finally, **claim 11** specifies that **the first ad is a video animation**. Thomas discloses that the pause-time ad may be a video animation (see Thomas Prov. at p.2, L18-22, Thomas at p.1 [0011] and p 6 [0057]).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1, the various types of pause ads disclosed in Armstrong and Thomas, respectively, and discussed above in reference to claims 6, 7, 8, 9, 10 and 11. The predictable result of the combination would have been pause ads comprising common content formats accessible to a wide variety of viewers. One having ordinary skill in the art at the time of the invention would have had a reasonable probability of success in the combination.

16. **Claims 13, 14 and 15** each depends from claim 1, adding an additional limitation as to the source of the ad referenced in claim 1. **Claim 13** adds the limitation that **the first ad is obtained from an "ad placement engine"**. Giving the term "ad place4ment engine" its broadest reasonable interpretation consistent with the specification *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005), MPEP 2111, "ad placement engine" is interpreted to encompass a database application that places an ad with a user. Armstrong discloses a database application that stores data concerning ads available to be viewed and assists in the selection of ads (see Armstrong, at least C4, L63 – C5, L62). **Claim 14** specifies that **the first ad is obtained from external storage**. Armstrong discloses that ads may be obtained from an advertiser's web site (see Armstrong, at least C4, L63-67). External storage is inherent in delivery of ad content via a third party web site. **Claim 15** specifies that **the first ad is downloaded from a computer connected to the video replay system**. Interpreting "connected" to include connected via the Internet, Armstrong discloses this limitation as well (see Armstrong, at least C4, L63-67).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1, the various sources of pause ads disclosed in Armstrong and discussed above in reference to claims 13, 14 and 15. The predictable result of the combination would have been maximization of available pause ads by leveraging ad selection and storage capabilities external to the video replay system.

One having ordinary skill in the art at the time of the invention would have had a reasonable probability of success in the combination.

18. **Claims 17 and 18** depend from claim 1 and add limitations based on the size of the ad. **Claim 17** specifies that **the first ad is a full-page ad**, which the specification defines as occupying the entire display. Armstrong discloses that in one embodiment, the ad comprises the entire display window (see Armstrong, at least C10, L28-35). **Claim 18** specifies that **the first ad occupies less than all of the display**. Armstrong discloses another embodiment comprising a split screen with part of the screen devoted to the ad and another part of the screen devoted to a frozen frame of the previously displayed user content (see Armstrong, at least Fig,. 4, C9, L27 – 38).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1, the various sizes of pause ads disclosed in Armstrong and discussed above in reference to claims 17 and 18. The predictable result of the combination would have been to enable different views of pause ads to suit different viewer or advertiser preferences. One having ordinary skill in the art at the time of the invention would have had a reasonable probability of success in the combination.

20. **Claim 22** depends from claim 1, adding the limitation that **the pause key is on the video replay system**. **Claim 24** depends from claim 1, adding the limitation that **the pause key is on a remote control**. Armstrong discloses the pause key as being on a remote control (see Armstrong, at least C2, L14-22) which is part of the video replay system (see Armstrong, at least Fig. 1, item 146, C3, L57 – C4, L2). It would have been

obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1, the location of the pause key as being on a remote control that is part of the video display system as disclosed in Armstrong and discussed above in reference to claims 22 and 24. The predictable result of the combination would have been to place the pause key in commonly used, increasing access to the pause key. One of ordinary skill in the art at the time of the invention would have would have had a reasonable probability of success in the combination.

21. **Claims 26 and 27** also depend from claim 1. **Claim 26** adds the limitation that **the user selected program content comprises a selected television program**. Thomas discloses the user selected content being a television program (see Thomas Prov. at p.1, L17-19, Thomas at least p.1 [0003]).

22. **Claim 26** also adds the limitations that the method further comprises, **prior to displaying the user selected program content: (i) receiving the selected television program content at the video replay system; and (ii) storing the selected television program content at the storage medium of the video replay system**. Thomas discloses these additional steps as television programming is the principal medium in which the invention of Thomas is disclosed (see Thomas Prov. at least p.1, L7 - p. 2, L17, Thomas at least p.1 [0003]-[0004]).

23. **Claim 27** adds the limitation that **the display of the video replay system comprises a television set**. As discussed in reference to claim 26, Thomas discloses this limitation as television programming is the principal medium in which the invention

of Thomas is disclosed (see Thomas Prov. at least p. 1, L7 - p. 2, L17, Thomas at least p. 1 [0003]-[0004]).

24. **New Claim 31** also depends from claim 1, adding that the method of claim 1 further comprises **the video replay system determining that the first ad has been displayed for a predetermined time period during the pause mode and the video replay system obtaining a second ad and causing the display of the video replay system to display the second ad instead of the first ad**. In essence, this additional step simply repeats the method of displaying a pause ad following a timed delay disclosed in claim 1. Thomas discloses display of multiple pause ads [see Thomas, at least p.4 [0042], pp. 5-6 [0053]) and Cooper discloses resetting of the timer for repeated instances of delaying the display of video content (see Cooper, at least C3, L55 - C4, L61).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1, more than one iteration of the process of displaying a pause ad following expiration of the set delay period as disclosed in the combination of Thomas and Cooper. Indeed, making a process continuous generally establishes a prima facia case of obviousness (see, i.e. In re: Dilnot, 319 F.2d 188, 138 USPQ 248 (CCPA 1963), MPEP § 2144.04). The predictable result of the combination would have been display of more pause than one ad per pause. One having ordinary skill in the art at the time of the invention would have had a reasonable expectation of success in the combination.

26. Referring to independent **claim 29**, Thomas discloses **a method of displaying an ad on a video replay system** (see Thomas at least p.1 [0011], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19), **the method comprising obtaining an ad** (see Thomas at least p.4 [0040]–[0044], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19), **displaying, on a display of the video replay system, a video stream stored at a storage medium of the video replay system** (see Thomas at least p.3 [0037], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19), **while the video stream is being displayed on the display of the video replay system, entering a pause mode;** (see Thomas at least p.3 [0037], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19) and **upon entering pause mode, displaying the ad on the display of the video replay system instead of the video stream** (see Thomas at least p.4 [0040]–[0044], Thomas Prov. at least p.2, L7 – p.3, L2, p.5, L9-19).

27. Thomas does not explicitly disclose **the video replay system starting a timer and subsequently using the timer to determine whether a time delay greater than zero seconds has elapsed;** or **during a time-delay after starting the timer but prior to the video replay system determining that the time delay has elapsed, continuing to display the video stream on the display of the video replay system, wherein the video stream displayed during the time delay is paused;** or **after the video replay system determines that the time delay has elapsed, displaying on the display of the video replay system, the ad instead of the video stream** (emphasis added herein).

28. As mentioned in reference to claim 1, Armstrong discloses a method and apparatus for inserting advertisements and/or other information into an audio-video presentation in response to a user's pressing a pause or stop button (Armstrong at least C2, L11-23). Armstrong also discloses a delay following the user's pressing the pause or stop button, during which time the subscriber equipment displays selected user program content as still imagery (see Armstrong, at least C3, L35-41). Armstrong also discloses that during the foregoing delay, while the user-selected content is showing, the user may select advertising for viewing and then view same (see Armstrong at least C5, L62 – C6, L14, C12, L5-26).

29. Nevertheless, neither Thomas nor Armstrong expressly discloses that **upon entering pause mode, the video replay system starts a timer, subsequently uses the timer to determine whether a time delay greater than zero seconds has elapsed, and displays the ad after the video replay system determines that a time delay greater than zero seconds has elapsed**.

30. However, Cooper discloses a method and system for delaying the display of a video output (see Cooper, at least C1, L64 - C2, L15). The disclosure of Cooper provides that a continuous analog or digital signal includes a reference signal that identifies an event (see Cooper, at least C3, L10-20, Fig. 2) that triggers a timer (see Cooper, at least C3, L20-65, Fig. 2), which timer counts down a period greater than zero seconds after which, a video output such as a color burst is displayed (see Cooper, at least C3, L40 - C4, L61, Fig. 2).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of displaying an ad on a video replay system disclosed in Thomas with continued display of user-selected content during a delay following use of a pause key and display of an ad following the delay as disclosed in Armstrong, and use of a digital timer to set a delay period prior to displaying video content as disclosed in Cooper. The predictable result of the combination would have been the ability to set the delay in a manner that would maximize views of the pause ads. One having ordinary skill in the art at the time of the invention would have had a reasonable probability of success in the combination.

32. **Claim 30** depends from claim 29, adding the limitation that **wherein the pause mode is entered in response to a user action that comprises pressing a pause key.** As discussed in reference to claim 1, Armstrong discloses that pause mode is entered in response to a user pressing a pause key (see Armstrong, at least C2, L11-23).

33. It would have been obvious to one having ordinary skill in the art at the time of the invention to include in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 29, entry into pause mode by pressing a pause key as disclosed in Armstrong. The predictable result of the combination would have been the use of a known method of pausing user-selected content, improving the probability that pause-time ads get watched. One having ordinary skill in the art at the time of the invention would have had a reasonable expectation of success in the combination.

34. **Claim 23** is rejected pursuant to 35 USC § 103(a) as being unpatentable over Thomas in view of Armstrong and Cooper, and further in view of U.S. Pat. No. 7,225,142 B1 to Apte, et. al (hereinafter, "Apte"), issued May 29, 2007. Claim 23 depends from claim 1, adding the limitation that **the pause key is on the display of video replay system**. Neither Thomas nor Armstrong nor Cooper explicitly discloses that the pause key is on the display.

35. Apte discloses a method and system for providing targeted interactive multimedia advertisements (see Apte, at least C3, L33-41) in which the user may pause the advertisement by pressing a pause button located on the display device (see Apte, at least C6, L17-25, Fig. 5, pause button 40). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute the pause button on the display of the video replay system as disclosed in Apte for the pause button on a remote control as disclosed in Armstrong and to include the substitution in the combination of Thomas, Armstrong and Cooper discussed in reference to claim 1. The predictable result of the combination would have been distribution of pause ads to devices where the controlling buttons and the display are on the same device, as shown in Fig. 5 of Apte. One having ordinary skill in the art would have had a reasonable expectation of success in the substitution and combination.

36. **Claims 25 and 28** are rejected pursuant to 35 USC § 103(a) as being unpatentable over Thomas in view of Armstrong and Cooper and further in view of U.S. Pat. No. 6,332,127 B1 to Bandera, et. al. (hereinafter, "Bandera"), issued December 18, 2001.

37. **Claim 25** depends from claim 1, adding the limitation that **the video replay system is a handheld video player. Claim 28** also depends from claim 1, adding the limitation that **the display of the video replay system comprises a cellular device.** Neither Thomas nor Armstrong nor Cooper expressly discloses a hand held video player or a cellular device as the video replay system.

38. Bandera discloses systems and methods for presenting advertisements to users of the world-wide web via mobile web clients such as personal digital assistants (PDAs) and cellular telephones (see Bandera, at least C2, L19-34). Thus, Bandera discloses presentation of advertising content to handheld video players and cellular devices as the display of the video replay system. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute PDAs and cellular telephones as video replay devices as disclosed in Bandera for the television screen disclosed in Thomas, Armstrong and Cooper. The predictable result of the combination would have been to expand the market for pause ads to handheld devices. One having ordinary skill in the art at the time of the invention would have recognized the results to have been predictable.

Response to Applicant's Arguments

39. Applicant's arguments that the Thomas Provisional and Armstrong do not expressly disclose that the video replay system (i) starts a timer, (ii) subsequently uses the timer to determine that a time delay of greater than zero seconds has elapsed, and (iii) displays the ad after the timer-determined time delay has elapsed, are well-taken.

Applicant's argument that the foregoing features are disclosed in Applicant's Provisional Patent Application with a priority date of October 15, 2000 also is well-taken. However, as the foregoing features were added to independent claims 1 and 29 by amendment, applicant's arguments are moot in view of the new grounds of rejection, necessitated by applicant's amendments to the claims.

Conclusion

Applicant's amendments necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited. U.S. Pub. No. 2002/0072972 A1 to Lamont discloses delayed views of advertisements made available by a delay service external to the video display device. U.S. Pat 5,884,141 to

Inoue et. al. discloses the display of original content following entry of a pause mode. U.S. Pub 2002/0036655 to Yulevich et. al. discloses a method for displaying user-selected advertising during a period of inactivity on a computing device. U.S. Pat. 5,740,549 to Reilly discloses an information and advertising distribution system which delivers customized banner ads and screen savers. U.S. Pat 6,349,410 to Lortz discloses coordination of the display of an incoming signal stream such as TV broadcasting or streaming web content. U.S. Pat 5,959,621 to Nawaz et. al. discloses a system and method for dynamically displaying data including advertising on a client computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENNETT SIGMOND whose telephone number is (571) 270-3414. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. S./

Examiner, Art Unit 3688

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3688